

Translation
DUPLICATE

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

28 SEP 2005
PCT/EP2003/010222



10/527499

Applicant's or agent's file reference 03SGL0303WOP		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/010222	International filing date (day/month/year) 13 September 2003 (13.09.2003)	Priority date (day/month/year) 14 September 2002 (14.09.2002)	
International Patent Classification (IPC) or national classification and IPC C03C 17/34			
Applicant SCHOTT AG			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 29 January 2004 (29.01.2004)	Date of completion of this report 22 December 2004 (22.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/010222

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-14, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages 1-22, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages 1/2-2/2, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/10222

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	7-9, 11-15	YES
	Claims	1-6, 10, 16-22	NO
Inventive step (IS)	Claims	7-9, 11-15	YES
	Claims	1-6, 10, 16-22	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: US-A-5 944 964 (POND BRADLEY JAMES ET AL)

D2: US-A-5 705 277 (BERNARD CLAUDE ET AL)

1 Novelty and inventive step

D1 (see column 9, line 44 to column 10, line 26) discloses a glass substrate with at least one functional layer which is interrupted by at least one intermediate layer of 1-2 nm in order to influence morphology.

D1 (column 8, line 43 to column 9, line 43, and column 14, line 26 to column 15, line 4) further discloses influencing the morphology of the functional layer during the coating process.

D1, claims 1-5, describes such influencing and the associated increase in reflectance.

Therefore, the present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-6, 10 and 16-22 is not

novel within the meaning of PCT Article 33(2).

D2 (column 2, lines 13-49, and example 4) describes the column structure in magnetron-sputtered Cr coatings. However, interruption of said column structure is not disclosed in the prior art.

The solution to this problem proposed in claim 7 of the present application therefore involves an inventive step (PCT Article 33(3)).

Claims 8, 9 and 11-15 are dependent on claim 7 and therefore likewise meet the PCT requirements for novelty and inventive step.